

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION**  
The opinion was not written for publication and is not binding precedent of the Board.

Paper 21

Mail Stop Interference  
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Filed: August 1, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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OLYMPUS OPTICAL, CO., LTD.,  
Junior Party  
(Patent 6,018,423,  
Inventor: Koichi Takahashi ),

v.

CANON KABUSHIKI KAISHA,  
Senior Party  
(Application 09/768,306  
Inventors: Shoichi Yamazaki and Takeshi Nishimura).

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Patent Interference 105,435 (RES)  
(Technology Center 2800)

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**Judgment - Request for Adverse - Bd.R. 127(b)**

Before: SCHAFER, MEDLEY and MOORE, Administrative Patent Judges.

PER CURIUM

Olympus has filed a paper requesting entry of an adverse judgment in this interference under 37 CFR § 41.104(c). Paper 20. Accordingly, it is

**ORDERED** that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 3) is awarded against the junior party, OLYMPUS OPTICAL, CO., LTD.;

**FURTHER ORDERED** that junior party, OLYMPUS OPTICAL, CO., LTD., is not entitled to a patent containing claims 1-42 (corresponding to Count 1) of Patent 6,018,423;

**FURTHER ORDERED** that a copy of this judgment be made of record in the file of Patent 6,018,423 and Application 09/768,306;

**FURTHER ORDERED** that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

<u>/Richard E. Schafer/</u>	)	
RICHARD E. SCHAFER	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
<u>/Sally C. Medley/</u>	)	BOARD OF PATENT
SALLY C. MEDLEY	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
	)	
<u>/James T. Moore/</u>	)	
JAMES T. MOORE	)	
Administrative Patent Judge	)	

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## Desperтт, Sonja

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**From:** Desperтт, Sonja on behalf of Interference Trial Section  
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**Subject:** Interference 105435 (RES) Paper No. 21 - Judgment-Request for Adverse-Bd.R. 127(b)



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